

**REMARKS**

Claims 83, 85 and 102 have been amended. Claims 4, 5, 7, 8, 11, 13, 14, 20, 23-78, 80, 81, 86, 87, 89, 90 and 92-101 have been cancelled. No new matter has been added. Thus, claims 1 - 3, 6, 9, 10, 12, 15 - 19, 21, 22, 79, 82 - 85, 88, 91 and 102 are currently pending in the present application. Applicant would like to thank the Examiner for the finding of allowable subject matter in claim 85. In view of the above amendments and the following remarks, it is respectfully submitted that all of the currently pending claims are in condition for allowance.

Initially, it is noted that claims 1 - 3, 6, 9, 10, 12, 15 - 19, 21, 22, 79 and 82 have not been cited as rejected in the Final Office Action of 6/21/11. Thus, please confirm that these claims have been allowed.

Claims 83 and 85 have been objected to for informalities. *6/21/11 Office Action*, p. 2.

Claims 83 and 85 have been amended to correct spelling errors and other informalities. Thus, it is respectfully submitted that these claims are in condition for allowance.

Claims 83, 84, 88, 91 and 102 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,690,269 to Bolanos et al. ("Bolanos"). *6/21/11 Office Action*, p. 3.

Claim 83 recites an end effector apparatus comprising "a flexible insertion section, a distal portion of which is configured for insertion to a target site within a living body" and "a handle at a proximal end of the insertion section which remains outside of the body when the distal portion of the insertion section is inserted into the body to the target site" in combination with "a deflecting mechanism at a distal end of the insertion section, the deflecting mechanism having a proximal member and a distal member pivotally coupled to one another and open to one another via a proximal end gap in the proximal end of the distal member and a distal end gap in

the distal end of the proximal member, the proximal and distal members including proximal and distal side gaps, respectively, the proximal side gap extending to the distal end of the proximal member laterally of the distal end gap and the distal side gap extending to the proximal end of the distal member laterally of the proximal end gap to form a continuous opening with the proximal side gap” and “an end effector assembly coupled to the distal end of the deflecting mechanism” along with “a first actuator member extending from the handle through the insertion section to couple to the distal member so that actuation of the first actuator member pivots the distal member relative to the proximal member between a longitudinally aligned configuration and a deflected configuration, wherein the first actuator member extends between the proximal and the distal members via the distal and proximal end gaps when the proximal and distal members are in the longitudinally aligned configuration and *extend therebetween via the proximal and distal side gaps when the proximal and distal members are in the deflected configuration.*”

In contrast, it is respectfully submitted that Bolanos does not show or suggest a first actuator member extending through proximal and distal members of a deflection mechanism via both proximal and distal side gaps when the deflection mechanism is in a deflected configuration. Specifically, Bolanos describes an endoscopic portion 14 of an apparatus 10 including an articulating (distal) portion 116 which deflects relative to a cover tube 102 (proximal portion) thereof via a joint 16. *Bolanos*, col. 3, ll. 58 - 61. An articulating rod 96 for controlling the deflection of the endoscopic portion 14 extends therethrough. *Id.* at col. 4, ll. 53 - 54. A distal end 100 of the rod 96 is coupled to the articulating portion 116 via a pin 101 so that a proximal longitudinal movement of the rod 96 relative to the apparatus 10 deflects the articulating portion 116 relative to the cover tube 102. *Id.* at col. 4, ll. 54 - 56 and col. 6, ll. 1 - 5. As shown in Figs. 3 and 4, it is respectfully submitted that the articulating rod 96 extends along an inner surface of the cover tube 102 and remains within a lumen of the cover tube 102 at all times such that even when the articulating rod 96 is moved proximally to deflect the endoscopic portion 14, the articulating rod 96 never extends through any side gap of the cover tube 102.

The Examiner points to portions of Fig. 4, which shows the apparatus 10 in the deflected configuration, to show proximal and distal side gaps along the cover tube 102 and articulating portion 116, respectively. *See 5/10/11 Office Action*, p. 3. It is respectfully submitted, however, that no portion of the articulating rod 96 extends through the portion of the cover tube 102 which Examiner contends is comparable to the proximal side gap. Indeed, as shown in Fig. 4, the distal end 100 of the articulating rod 96 remains within the lumen of the cover tube 120 and appears to be positioned proximally of the portion of the cover tube 102 which Examiner contends is comparable to the proximal side gap, such that the articulating rod 96 cannot possibly pass therethrough. Thus, it is respectfully submitted that the articulating rod 96 does not extend between the cover tube 102 and the articulating portion 116 via both proximal and distal side gaps thereof, in the deflected configuration.

Furthermore, it is respectfully noted that the Examiner acknowledged the allowability of claim 83 over Bolanos in the Interview Summary mailed on June 17, 2011.

Accordingly, it is respectfully submitted that Bolanos does not show or suggest “wherein the first actuator member extends between the proximal and the distal members via the distal and proximal end gaps when the proximal and distal members are in the longitudinally aligned configuration and *extend therebetween via the proximal and distal side gaps when the proximal and distal members are in the deflected configuration*,” as recited in claim 83. Thus, it is respectfully submitted that claim 83 is not anticipated by Bolanos and that the rejection of this claim should be withdrawn. Because claims 84, 88 and 91 depend from and include all of the limitations of claim 83, it is respectfully submitted that these claims are also allowable.

Claim 102 recites an end effector apparatus comprising “a flexible insertion section, a distal portion of which is configured for insertion to a target site within a living body” and “a deflecting mechanism at a distal end of the insertion section, the deflecting mechanism bending between a longitudinal configuration in which the deflecting mechanism is substantially straight

and a deflected configuration in which the deflecting mechanism is bent to form an arc, the deflecting mechanism including a lateral opening extending longitudinally along a portion of a wall thereof” in combination with “an end effector assembly coupled to the distal end of the deflecting mechanism” and “a first actuator member extending through the insertion section to couple to a distal portion of the deflecting mechanism so that actuation of the first actuator member bending the deflecting member from the longitudinal configuration to the deflected configuration” along with “a second actuator member extending through the insertion section to the end effector assembly to actuate the end effector assembly wherein, *when the deflecting mechanism is in the deflected configuration, the first and second actuator members extend across the arc outside the deflecting mechanism via the lateral opening* and, when the deflecting mechanism is in the aligned configuration, the first and second actuator members are fully received therewithin.”

In contrast, it is respectfully submitted that Bolanos discloses first and second actuator member which both remain within the deflecting mechanism at all times. As shown in Fig. 4, neither the articulating rod 96 nor wire 142 extend through a lateral opening of the endoscopic portion and across an arc, formed via the deflected articulating portion 116 and cover tube 102, to *an exterior* of the endoscopic portion 114. Rather, the articulating rod 96 and wire 142 are shown as remaining within the endoscopic portion 114 at all times. Thus, it is respectfully submitted that Bolanos does not teach that the articulating rod 96 and the wire 104 extend through a lateral opening of the endoscopic portion 114 to an exterior thereof.

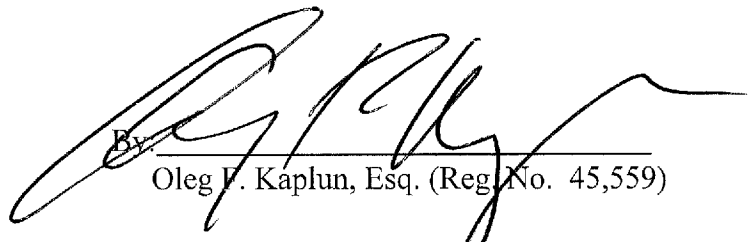
Accordingly, it is respectfully submitted that Bolanos does not show or suggest “*when the deflecting mechanism is in the deflected configuration, the first and second actuator members extend across the arc outside the deflecting mechanism via the lateral opening,*” as recited in claim 102. Thus, it is respectfully submitted that claim 42 is not anticipated by Bolanos and that the rejection of this claim should be withdrawn.

**CONCLUSION**

In light of the foregoing, Applicant respectfully submits that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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A large, stylized handwritten signature in black ink, appearing to read 'O. Kaplun', is written over a horizontal line.

Oleg V. Kaplun, Esq. (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, NY 10038  
Tel: (212) 619-6000  
Fax: (212) 619-0276